



# City of Norfolk

Office of the City Manager

cc: Dir. Planning & Community Dev.

July 1, 2003

To the Honorable Council  
City of Norfolk, Virginia

Re: Adult Use Special Exceptions – 233  
Granby Street

Lady and Gentlemen:

Attached is the recommendation of the City Planning Commission on the applications of Mary Hasan (Aroma Café & Grill).

In April of 2001 the applicant applied for and was granted a special exception to operate an entertainment establishment at 233 Granby Street. The applicant proposed to operate a full service restaurant with entertainment being limited to one billiard table, one dartboard and a band with no more than three musical instruments for background music at lunch and dinner. The applicant requested 175 seats.

The approved hours of operation for the sale of alcoholic beverages and for the entertainment were from 11:00 a.m. until 11:00 p.m., Monday through Thursday and from 11:00 a.m. until 2:00 a.m. on Friday. Hours on Saturday were from 4:00 p.m. until 2:00 a.m. and on Sunday from 11:00 a.m. until 3:00 p.m.

The hours of operation for the restaurant were from 7:00 a.m. until 11:00 p.m. on Monday through Thursday, from 7:00 a.m. until 2:00 a.m. on Friday, from 4:00 p.m. until 2:00 a.m. on Saturday and from 11:00 a.m. until 3:00 p.m. on Sunday.

The applicant is now requesting the following revised hours:

Monday – Saturday: 10:00 a.m. to 2:00 a.m.

Sunday: 9:00 a.m. to 2:00 a.m.

Additionally, the applicant is requesting the following revised entertainment:

Up to a 6-piece band, a disc jockey and dancing.

The applicant is also requesting a special exception to sell wine for off-premises consumption. Currently the applicant offers a full wine menu for patrons to accompany their dinner. The applicant would like to offer customers the opportunity to purchase multiple bottles of those wines offered on the menu to take home.


This site is located in the D-3 (Freemason/Granby Conservation and Mixed Use) District. There are no parking requirements since there are numerous public parking facilities located in the district.

The Planning Commission unanimously recommends (by a 6 to 0 vote) that the request to revise the conditions of the previously granted special exception to operate an entertainment establishment be approved. The request is in keeping with the other special exceptions approved in the Downtown area as indicated in the above Zoning History. The special exception should be approved subject to the following conditions:

- 1) The hours of operation for the sale of alcoholic beverages for on premise consumption may be from 10:00 a.m. until 2:00 a.m. Monday through Friday and from 9:00 a.m. until 2:00 a.m. on Sunday.
- 2) The seating capacity for the restaurant shall not exceed 165 seats with the total capacity not to exceed 178 persons.
- 3) There shall be no off-premises sales of alcoholic beverages (wine).
- 4) The dance floor shall be no larger than 25 feet by 15 feet.
- 5) Entertainment shall be limited to a disc jockey or up to a 6-piece band and dancing.
- 6) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations as set forth in Exhibit A attached hereto.
- 7) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.
- 8) The special exception shall automatically expire upon a change in ownership possession, operation or management of the facility.

The attached ordinance approves the request should it be the desire of the City Council.

Respectfully submitted,

  
Regina V.K. Williams  
City Manager

Form and Correctness Approved:

Contents Approved:

By *harry g. p.*  
Office of the City Attorney

NORFOLK, VIRGINIA

By *Rebecca M. Newcomb*  
DEPT. City Planning**ORDINANCE No.**

AN ORDINANCE AUTHORIZING AN EATING AND DRINKING ESTABLISHMENT ON PROPERTY LOCATED AT 233 GRANBY STREET.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Mary T. Hasan for Aroma Café & Grill authorizing an eating and drinking establishment on property located at 233 Granby Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 50 feet, more or less, along the western line of Granby Street beginning 60 feet, more or less, south of Tazewell Street and running southwardly.

Section 2:- That the Special Exception hereinbefore granted shall be subject to the following conditions:

- (a) The hours of operation for the sale of alcoholic beverages for on-premise consumption shall be from 10:00 a.m. until 2:00 a.m. Monday through 2:00 a.m. on Sunday and from 9:00 a.m. on Sunday until 2:00 a.m. on Monday.
- (b) The seating capacity for the restaurant shall not exceed 165 seats with the total capacity not to exceed 178 persons.
- (c) There shall be no off-premises sales of alcoholic beverages.
- (d) The dance floor shall be no larger than 25 feet by 15 feet.
- (e) Entertainment shall be limited to a disc jockey or up to a 6-piece band and dancing.
- (f) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations as set forth in Exhibit A attached hereto, except that the sale of wine for off-premises consumption is prohibited.

- (g) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.
- (h) The special exception shall automatically expire upon a change in ownership possession, operation or management of the facility.

Section 3:- That the City Council hereby makes the following findings of fact:

- (a) That the proposed use will not be contrary to the public interest or be injurious to nearby properties, and that the spirit and intent of the zoning ordinance will be observed;
- (b) That the establishment of an additional adult use in the area will not conflict with any Council adopted objectives, plans or programs for the area;
- (c) That the establishment of an additional adult use will not be contrary or detrimental to any program of neighborhood conservation or renewal in adjacent residential areas; and
- (d) That all applicable regulations of the zoning ordinance and special conditions attached to special exception will be observed.

Section 4:- That the City Council hereby waives the dispersal and setback requirements for adult uses as set forth in Section 25-10.1 of the Zoning Ordinance of the City of Norfolk, 1992.

Section 5:- That this ordinance shall be in effect from the date of its adoption.



# City of Norfolk

## EXHIBIT "A" Off-Premise Sale Of Alcoholic Beverage

Date of Application: 3-6-03

Name of business: AROMA CAFE AND GRILL INC.

Address of business: 233 GRANBY STREET NORFOLK VA-23510

Name(s) of business owner(s): MARY T. HASAN

Name(s) of property owner(s): MIKE & LISA LYNCH

Name(s) of business manager(s)/operator(s): KAMRUL T. HASAN

Daytime telephone number (757): 625 4888

1. Type of alcoholic beverage applied for:  
☐ Beer ☒ Wine & Beer
2. Alcoholic beverages to be sold:  
☒ Room temperature ☒ Refrigerated
3. List the liquid content size of all alcoholic beverages that will be sold at this location (i.e. 6 oz; 12 oz; 32 oz; etc.):  
12 ounce 25.36 ounce 32 ounce  
1.5 lids ounce Cases
4. Will alcoholic beverages be sold in single cans/bottles or by carton/case only?  
Wine only  
Explain: Single bottles and carton/case

Mary T. Hasan  
Signature of applicant/owner



# City of Norfolk

## Inter Department Correspondence Sheet

TO: \_\_\_\_\_ City Manager  
FROM: \_\_\_\_\_ City Planning Commission  
COPIES TO: \_\_\_\_\_  
SUBJECT: \_\_\_\_\_ Application for Adult Use Special Exceptions  
\_\_\_\_\_  
(3 P.H. 24 April 2003)

### PART 1: APPLICATION DESCRIPTION:

Nature of Application:

#### Adult Use Special Exceptions:

- a. To change the conditions of a previously granted special exception to operate an entertainment establishment.
- b. For a special exception to permit the sale of alcoholic beverages (wine only) for off-premises consumption.

Location: 233 Granby Street (Maps 1 and 2).

Applicant: Mary T. Hasan (Aroma Café & Grill)

Property Owner: Michael and Lisa Lynch

Description of proposed use:

In April of 2001 the applicant applied for and was granted a special exception to operate an entertainment establishment at 233 Granby Street. The applicant proposed to operate a full service restaurant with entertainment being limited to one billiard table, one dartboard and a band with no more than three musical instruments for background music at lunch and dinner. The applicant requested 175 seats.

The approved hours of operation for the sale of alcoholic beverages and for the entertainment were from 11:00 a.m. until 11:00 p.m., Monday through Thursday and from 11:00 a.m. until 2:00 a.m. on Friday. Hours on Saturday were from 4:00 p.m. until 2:00 a.m. and on Sunday from 11:00 a.m. until 3:00 p.m.

The hours of operation for the restaurant were from 7:00 a.m. until 11:00 p.m. on Monday through Thursday, from 7:00 a.m. until 2:00 a.m. on Friday, from 4:00 p.m. until 2:00 a.m. on Saturday and from 11:00 a.m. until 3:00 p.m. on Sunday.

The applicant is now requesting the following revised hours:

Monday – Saturday: 10:00 a.m. to 2:00 a.m.  
Sunday: 9:00 a.m. to 2:00 a.m.

Additionally, the applicant is requesting the following revised entertainment:

Up to a 6-piece band, a disc jockey and dancing.

The applicant is also requesting a special exception to sell wine for off-premises consumption.

This site is located in the D-3 (Freemason/Granby Conservation and Mixed Use) District. There are no parking requirements since there are numerous public parking facilities located in the district.

Description of existing land use pattern:

The site is located in the D-3 (Freemason/Granby Conservation and Mixed Use) District which extends southward from Brambleton Avenue to the northern line of City Hall Avenue between Duke Street and Monticello Avenue. The district is developed with conforming uses including hotels, restaurants, Tidewater Community College (TCC) campus, apartments, parking garages, offices and retail shops.

## **PART 2: ANALYSIS/EVALUATION:**

Prior Zoning History:

The Planning Commission has recently considered the following applications in the general vicinity of this application:

- 1) 2003: A request by Scotty Quixx by Scott Oates for an Adult Use Special Exception to operate an Entertainment Establishment on property located at 436 – 438 Granby Street. The request was approved by Council.
- 2). 2002: A request for a revised adult use special exception by Alice Mae's Soul Food by Alice Hall to operate and entertainment establishment at 112 Bank Street. The request was approved by Council.

- 3) 2002: A request by Jim Manning to operate an eating and drinking establishment on property located at 112 College Place. The application was withdrawn.
- 4) 2002: A request by Santa Fe by Carmen Vazquez for an adult use special exception to operate an Entertainment Establishment on property located at 117 W. Tazewell Street. The request was approved by Council.
- 5) 2002: A request by Richard E. Boner, Jr. (Wonderbar) for an adult use special exception to operate an Entertainment Establishment on property located at 257 Granby Street. The request was approved by Council.
- 6) 2002: A request by Chocollage by Jennifer McFadden for an adult use special exception to operate an eating and drinking establishment on property located at 201 College Place. The request was withdrawn.
- 7) 2002: A request by Granby Theater, Inc. by James Manning for an adult use special exception to operate an Entertainment Establishment on property located at 421 – 423 Monticello. The request was approved by Council.
- 8) 2002: A request for an adult use special exception by the Norfolk Athletic Association to operate an after hours membership organization at 322 Madison Mews. The request was approved by Council.
- 9) 2002: A request for an adult use special exception by Alice Mae's Soul Food by Alice Hall to operate and entertainment establishment at 112 Bank Street. The request was approved by Council.
- 10) 2002: A request by Berrie McKissic to operate an entertainment establishment at 411 Granby Street. The application is pending at Council.
- 11) 2002: A request by Chocollage for an adult use special exception to serve alcoholic beverages for on-premises consumption on property located at 201 College Place. The request was approved by Council.



- 12) 2002: A request by Taste Unlimited for adult use special exception to operate an eating and drinking establishment and an establishment for the sale of alcoholic beverages for off-premises consumption on property located at 109 E. Main Street. The request was approved by Council.
- 13) 2002: A request by Courtyard Marriott for an adult use special exception to operate an establishment for the sale of alcoholic beverages for on-premises consumption on property located at 520 E. Plume Street. The request was approved by Council.
- 14) 2002: A request by Bayou Blues for an adult use special exception to operate an entertainment establishment on property located at 109 College Place. The request was approved by Council.
- 15) 2002: A request by Time/Burrito Bob's for an adult use special exception to operate an entertainment establishment at 271 Granby Street. The request was approved by Council.
- 16) 2002: A request by A.J. Gators for an adult use special exception for a special exception to operate an eating and drinking establishment and a commercial recreation center on property located at 244 Granby Street. The request was approved by Council.
- 17) 2002: A request by Tortugas for an adult use special exception to operate an eating and drinking establishment on property located at 332 Granby Street. The request was approved by Council.
- 18) 2001: A request by Coyote Café for an adult use special exception to operate an entertainment establishment on property located at 216 E. Plume Street. The request was approved by Council.
- 19) 2001: A request by Barbara Jurich (Todd Jurich Bistro) for an adult use special exception to operate an entertainment establishment on property located at 150 E. Main Street. This request has been approved by City Council.

- 20) 2001: A request by Tiffany Kidwell (Club Soda) for an adult use special exception to operate an eating and drinking establishment on property located at 111 Tazewell Street. The request was approved by City Council.
- 21) 2001: A request by Bo Ji Chen (Domo Sushi) for an adult use special exception to operate an eating and drinking establishment on property located at 273 Granby Street. The request was approved by City Council.
- 22) 2001: A request by Richard Boner (Bodegas) for an adult use special exception to operate an eating and drinking establishment on property located at 256 Granby Street. The request was approved by City Council.
- 23) 2000: A request by Funky Food Concepts (Blues Alley), for an adult use special exception to operate an entertainment establishment at 455 Granby Street. The request was approved by City Council.
- 24) 2000: A request by Geoffrey A. Fout (Jack Quinn's Irish Pub), for an adult use special exception to operate an entertainment establishment at 241 Granby Street. The request was approved by City Council.
- 25) 1999: A request by Havana, for an adult use special exception to operate an eating and drinking establishment at 255 Granby Street. The request was approved by City Council.

Neighborhood Impact:

The site is located in an area which is primarily developed with institutional, retail, office and restaurant uses. The site has no direct residential exposure.

General Plan Impact:

The Downtown Plan as contained within the General Plan designates the area as mixed uses which encompasses a wide range of uses. This proposal would be considered to be in conformance with the General Plan.

Zoning Impact:

This application is for a special exception, which acknowledges that while the use is generally permitted in the district, it is of such a character that careful scrutiny is needed to determine if it is appropriate in this specific location

and, if so, under what conditions.

The application for an entertainment establishment requires an adult use special exception, to which particular locational standards (described in Subsection 25-10.1) dealing with the concentration of similar facilities and the proximity to residential districts apply. Granting the request could require the waiver of these standards. One waiver is needed for this application as is illustrated on Map 4.

The waivers may be granted by City Council if all four of the following findings are made:

- 1) that the proposed use will not be contrary to the public interest or be injurious to nearby properties, and that the spirit and intent of the zoning ordinance will be observed;
- 2) that the establishment of an additional adult use in the area will not conflict with any Council adopted objectives, plans or programs for the area;
- 3) that the establishment of an additional adult use will not be contrary or detrimental to any program of neighborhood conservation or renewal in adjacent residential areas; and
- 4) that all applicable regulations of the zoning ordinance and special conditions attached to special exception will be observed.

As shown on Map 1, the site is located in a D-3 (Freemason/Granby Conservation and Mixed Use) district which is developed with conforming uses. This use will have to observe the general conditions for special exceptions contained in Section 25-9 of the Zoning Ordinance and the special standards relating to adult uses contained in Subsection 25-10.1.

### **PART 3: RECOMMENDATION:**

The Planning Commission unanimously recommends (by a 6 to 0 vote) that the request to revise the conditions of the previously granted special exception to operate an entertainment establishment be approved. The request is in keeping with the other special exceptions approved in the Downtown area as indicated in the above Zoning History. The special exception should be approved subject to the following conditions:

- 1) The hours of operation for the sale of alcoholic beverages for on premise consumption may be from 10:00 a.m. until 2:00 a.m. Monday through Friday and from 9:00 a.m. until 2:00 a.m. on Sunday.

- 2) The seating capacity for the restaurant shall not exceed 165 seats with the total capacity not to exceed 178 persons.
- 3) There shall be no off-premises sales of alcoholic beverages (wine).
- 4) The dance floor shall be no larger than 25 feet by 15 feet.
- 5) Entertainment shall be limited to a disc jockey or up to a 6-piece band and dancing.
- 6) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations as set forth in Exhibit A attached hereto.
- 7) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements or restrictions imposed by the ABC Commission or by State law.
- 8) The special exception shall automatically expire upon a change in ownership possession, operation or management of the facility.

**Property Description:**

Property fronting 50 feet, more or less, along the western line of Granby Street beginning 60 feet, more or less, south of Tazewell Street and running northwardly; premises numbered 233 Granby Street.


**Proponents:**

Kamrul T. Hasan  
233 Granby Street  
Norfolk, VA 23510

Tom McLellon  
233 Granby Street  
Norfolk, VA 23510

**Opponents:**

NONE

 *Thomas M. Vincent*  
Tim Polk  
Executive Secretary

Attachments



# City of Norfolk

## EXHIBIT "A" Off-Premise Sale Of Alcoholic Beverage

Date of Application: 3-6-03

Name of business: AROMA CAFE AND GRILL INC.

Address of business: 233 GRANBY STREET NORFOLK VA-23510

Name(s) of business owner(s): MARY T. HASAN

Name(s) of property owner(s): MIKE & LISA LYNCH

Name(s) of business manager(s)/operator(s): KAMRUL T. HASAN

Daytime telephone number (757): 625 4888

1. Type of alcoholic beverage applied for:  
☐ Beer ☒ Wine & Beer
2. Alcoholic beverages to be sold:  
☒ Room temperature ☒ Refrigerated
3. List the liquid content size of all alcoholic beverages that will be sold at this location (i.e. 6 oz; 12 oz; 32 oz; etc.):  

<u>12</u> ounce	<u>25.36</u> ounce	<u>32</u> ounce
<u>1.5</u> litre	ounce	Cases
4. Will alcoholic beverages be sold in single cans/bottles or by carton/case only?  
Wine only  
Explain: Single bottles and carton/case

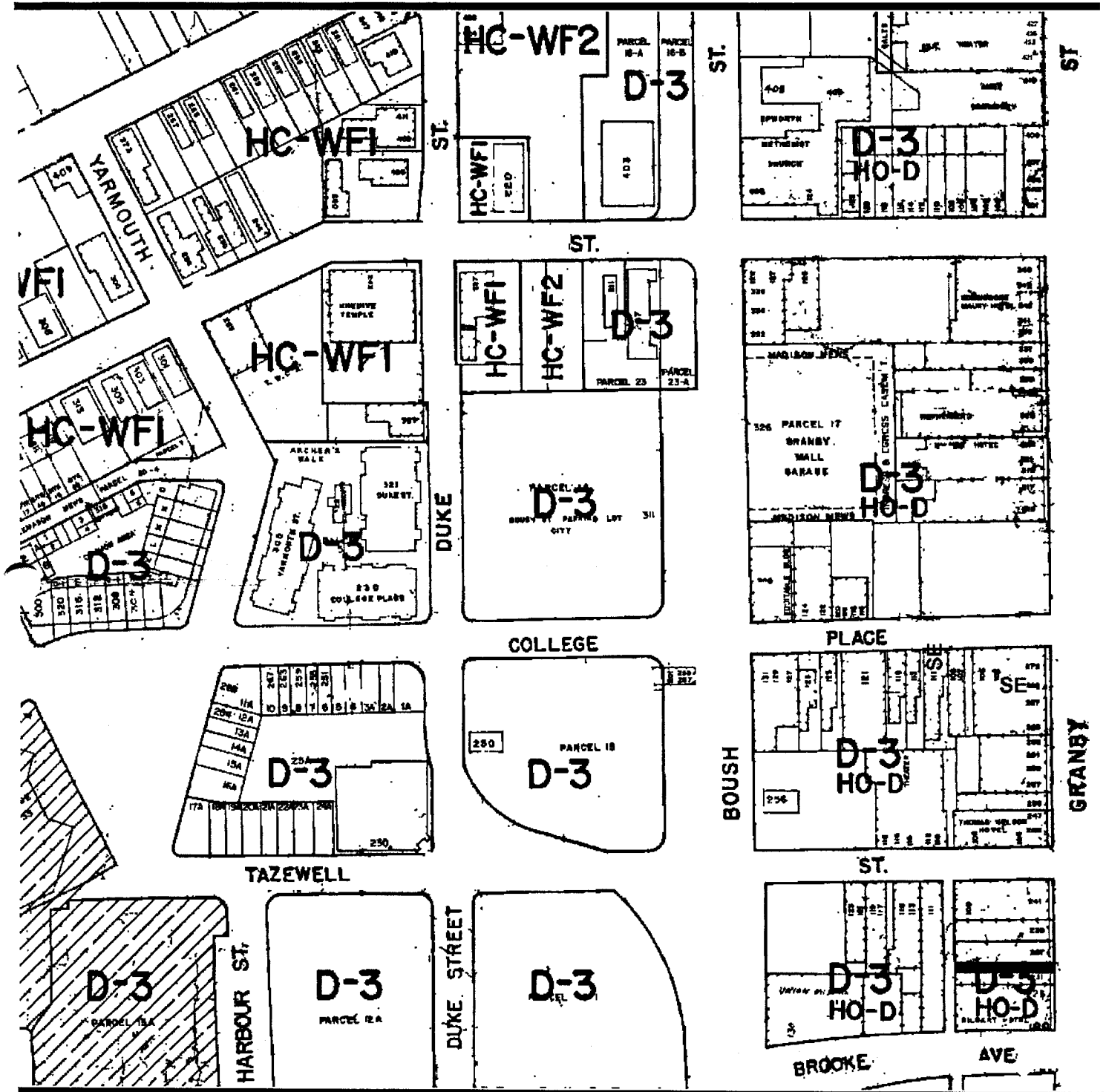
*Mary T. Hasan*  
Signature of applicant/owner



## 2. SITE

### PROPOSED ADULT USE SPECIAL EXCEPTION

MARY HASAN (AROMA CAFÉ & GRILL)



Planning Commission Public Hearing

April 24, 2003

Application 3

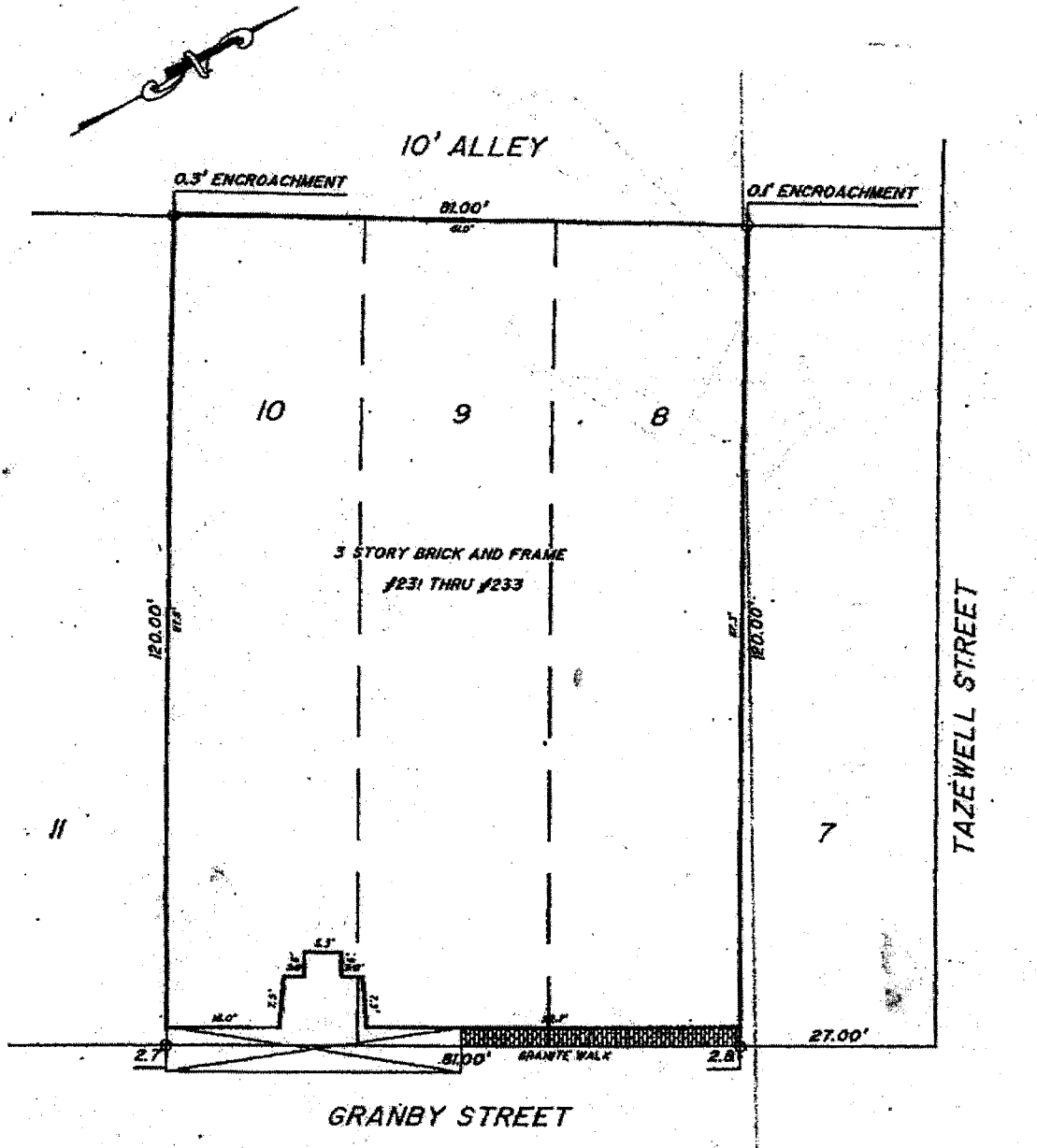
Not to Scale



### 3. SITE PLAN

PROPOSED ADULT USE SPECIAL EXCEPTION

MARY HASAN (AROMA CAFÉ & GRILL)



Planning Commission Public Hearing

April 24, 2003

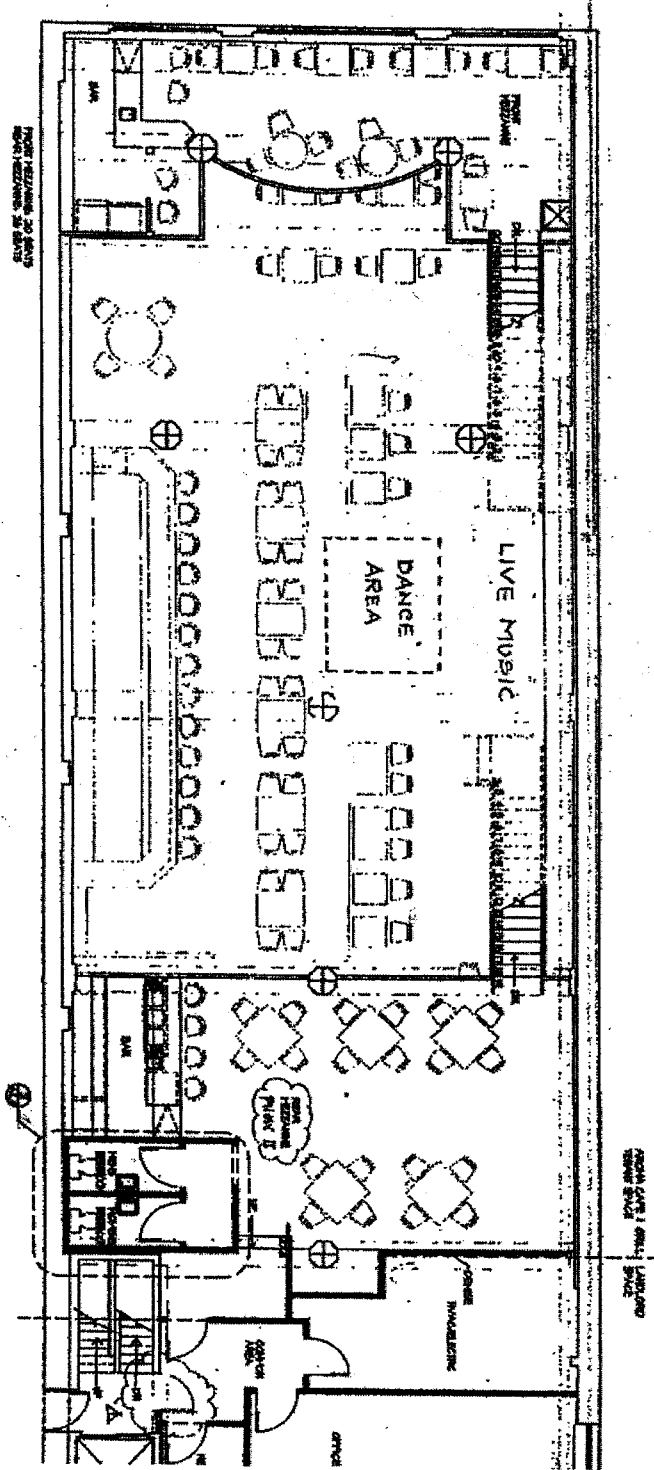
Application 3

Not to Scale

#### 4. FLOOR PLAN

#### PROPOSED ADULT USE SPECIAL EXCEPTION

#### MARY HASAN (AROMA CAFÉ & GRILL)



**MARY HASAN (AROMA CAFÉ & GRILL)**



300' ) 500' ) 1000'

**Scale: 1" = 800'**

1. Other adult uses within 1000 feet  
 \_\_\_ No X Yes (see list).  
X Waiver required (if two or more)
2. Residential zone district boundary  
 within 500 feet of establishment.  
X No \_\_\_ Yes (waiver required)
3. Residential zone boundary within 300  
 feet of the establishments required parking.  
X No \_\_\_ Yes (waiver required)

- A. THE DOWNTOWN PROVISION
- B. FREEMASON ABBEY
- C. LA GALLERIA
- D. THE JAMES MADISON HOTEL
- E. BUGATTI'S
- F. DOMO JAPANESE RESTAURANT
- G. HAVANA
- H. MACARTHUR MALL
- I. THE NORVA
- J. HARRY'S FAMOUS BBQ
- K. EMPIRE
- L. JACK QUINN'S IRISH PUB
- M. COYOTE CAFÉ
- N. THE 219 RESTAURANT
- O. OPEN WIDE
- P. MO & O'MALLEY'S
- Q. CLUB SODA
- R. THE BLUE HIPPO
- S. DELI PLUS
- T. VIRGINIA STAGE COMPANY